

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:13-cr-247

v.

HON. JANET T. NEFF

CLARENCE MONTGOMERY SCOTT,

Defendant.

MEMORANDUM OPINION AND ORDER

Defendant Clarence Montgomery Scott has filed a motion for modification or reduction of sentence (Dkt 72) pursuant to 18 U.S.C. §3582(c)(2) on the basis of Amendment 782 of the United States Sentencing Guidelines, made retroactive by the Sentencing Commission. The United States Probation Office filed a Report of Eligibility (Dkt 75) in which it determined he was ineligible for a reduction. Defendant filed an Objection to the Report of Eligibility (Dkt 81), and the Government filed a Response to Defendant's Objection (Dkt 85).

Section 3582(c)(2) permits a court to reduce the term of imprisonment of a defendant who has been sentenced based on a sentencing range that has subsequently been lowered by the Sentencing Commission. 18 U.S.C. § 3582(c)(2). Amendment 782 of the United States Sentencing Guidelines reduced by two levels the offense levels assigned to the quantities that trigger the statutory mandatory minimum penalties in U.S.S.G. §§ 2D1.1 and 2D1.11. These modifications were made retroactive effective November 1, 2014. U.S.S.G. § 1B1.10.

However, the defendant appears to be ineligible (Dkt 75) because the guideline range at sentencing was determined based on the defendant's status as a career offender.

Therefore, IT IS HEREBY ORDERED that Defendant's motion for modification of sentence (Dkt 72) pursuant to 18 U.S.C. § 3582(c)(2) is DENIED.

DATED: March 2, 2015

/s/ Janet T. Neff

JANET T. NEFF

United States District Judge